IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:	Customer No.: 00919
Glen A. Boucher, et. al.	Attorney Docket No.: E-908
Serial No.:09/411,524	Group Art Unit: 3628
Filed: October 4, 1999	Examiner: Mark A. Fadok
Confirmation No.: 8434	Date: October 6, 2003

Title: A METHOD AND SYSTEM FOR MULTI-CARRIER PACKAGE TRACKING

APPELLANTS' BRIEF

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313 -1450

Sir:

The Appellants respectfully submit the following brief in the appeal of the above-mentioned application. The Notice of Appeal was filed on August 6, 2003.

This Appeal Brief, under 37 C.F.R. § 1.192, is being filed in triplicate. The Appeal Fee in the amount of $330.00 in accordance with 37 C.F.R. § 1.17(c), should be charged to Deposit Account Number 16-1885. If the fees for this appeal are deemed to be insufficient, authorization is hereby given to charge any deficiency (or credit any balance) to Deposit Account Number 16-1885.

I. REAL PARTY IN INTEREST:

Pitney Bowes Inc., a Delaware corporation having its principal place of business at 1 Elmcroft Road, Stamford, Connecticut 06926, is the real party in interest by way of assignment of the entire interest from the Applicants.

II. RELATED APPEALS AND INTERFERENCES:

An Appeal Brief was filed on August 8, 2003 in U.S. Serial No. 09/411,125 (Attorney Docket No. E-909). An Appeal Brief was filed on September 16, 2003 in U.S. Serial No. 09/411,092 (Attorney Docket No. E-907).

III. STATUS OF THE CLAIMS:

(1)　　This application was originally filed with Claims 1-26. During prosecution, Claims 4, 5, 9, 10, 11, 12, 14, 18 and 23 were canceled without prejudice or disclaimer. Claims 1, 2, 13, 15, 24 and 26 were amended. Claims 1, 2, 3, 6, 7, 8, 13, 15-17, 19-22 and 24-26 were finally rejected in an Office Action dated May 8, 2003. Claims 1, 2, 3, 6, 7, 8, 13, 15-17, 19-22 and 24-26 are the subject of this Appeal, and stand rejected.

(2)　　Appellants hereby appeal the final rejection of Claims 1, 2, 3, 6, 7, 8, 13, 15-17, 19-22 and 24-26.

IV. STATUS OF THE AMENDMENTS:

(1)　　In response to a First Office Action, which was mailed April 2, 2002, an Amendment and Petition For Extension Of Time was filed August 2, 2002, which amended the Specification. A Final Office Action was mailed August 21, 2002, which was withdrawn and a Non-final Office Action was mailed November 6, 2002. In response to the Non-Final Office Action mailed November 6, 2002, an Amendment and Petition For Extension Of Time was filed March 6, 2003, which

canceled Claims 4, 5, 9, 10, 11, 12, 14, 18 and 23 and amended Claims 1, 2, 13, 15, 24 and 26. Claims 1, 2, 3, 6, 7, 8, 13, 15-17, 19-22 and 24-26 were rejected in a Final Office Action mailed May 8, 2003.

A Response After Final was filed July 7, 2003 in response to the Final Office Action. An Advisory Action was mailed July 15, 2003 indicating that the Response was considered but did not place the application in condition for allowance. A Notice Of Appeal and fee were filed August 6, 2003.

(2) Appendix A, attached hereto, contains Claims 1, 2, 3, 6, 7, 8, 13, 15-17, 19-22 and 24-26 on appeal.

V.   SUMMARY OF THE INVENTION:

The present invention is directed to a tracking system and method in which a package is sent from a user to a recipient by requesting shipping through Internet resources, which are associated with carriers capable of delivering the package. The user determines the carrier used for shipping the package. More specifically, the method includes the steps of:

(a)   generating a tracking number associated with a package to be sent from the user to the recipient by a selected carrier;

(b)   generating a tracking request containing the tracking number associated with the package, as well as information of the particular carrier which is to deliver the package to the recipients;

(c)   storing the tracking requests;

(d)   generating tracking objects and sending said tracking objects to the tracking website of the selected carrier;

(e)   receiving results from the tracking website of the selected carrier;

(f)   updating the shipping server data storage with the results from the carrier website; and

(h)   limiting the generation of tracking objects for a particular carrier so that tracking objects are generated no more frequently than a predetermined number per predetermined time interval.

(Pages 7-8 and 11-14 and Figures 2, 3 and 5 of the Specification as originally filed.)

This summary is not intended to supplant the description of the claimed subject matter as provided in the claims as recited in Appendix A, as understood in light of the entire Specification.

VI. ISSUES:

The Rejections

Claims 1, 2, 3, 6, 7, 8, 13, 15-17, 19-22 and 24-26 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Karpinski, "Mail Room Mainstay Tracks Packs", Internet week, October 21, 1997 (Karpinski) in view of WebMethods, a collection of related articles from PTO-892 listed as 1V, 2W, 3X, 4U, 5V, 6W, 7X and 8U (WebMethods).

Issue for Appeal

Whether the rejection of Claims 1, 2, 3, 6, 7, 8, 13, 15-17, 19-22 and 24-26 under 35 U.S.C. § 103(a) as unpatentable over Karpinski in view of WebMethods is proper.

VII. GROUPING OF CLAIMS:

Claims 1, 2, 3, 6, 7, 8, 13, 15-17, 19-22 and 24-26 stand together.

VIII. ARGUMENTS:

To establish a rejection under 35 U.S.C. § 103(a), the Examiner is required to show that though the invention is not identically disclosed or described as set forth in section 102, that the differences between the subject

matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Appellants respectfully submit that Karpinski and WebMethods, taken alone or in combination, do not render Claims 1, 2, 3, 6, 7, 8, 13, 15-17, 19-22 and 24-26 obvious.

Claims 1, 2, 3, 6, 7, 8, 13, 15-17, 19-22 and 24-26 are currently pending. Claims 1 and 15 are independent.

Claim 15 relates to a method for providing shipping information and recites, *inter alia,*

a tracking method for a shipping system in which a package is to be sent from a user to a recipient by requesting said shipping through Internet resources associated with carriers capable of delivering the package to the recipient, in which the user of the shipping system determines the carrier to be used for shipping a package to a recipient, and in which the shipping system has a shipping system server with a data storage device for storing package tracking data, comprising the steps of:

(a)   generating a tracking number associated with a package to be sent from the user to the recipient by a selected carrier;

(b)   generating a tracking request containing the tracking number associated with the package, as well as information of the particular carrier which is to deliver the package to the recipients;

(c)   storing the tracking requests;

(d)   generating tracking objects and sending said tracking objects to the tracking website of the selected carrier;

(e)   receiving results from the tracking website of the selected carrier;

(g)   updating the shipping server data storage with the results from the carrier website; and

(h)   limiting the generation of tracking objects for a particular carrier so that tracking objects are generated no more frequently than a predetermined number per predetermined time interval.

Independent Claim 1 is a corresponding apparatus claim, and is similar in scope.

As understood by Appellants, the Karpinski article provides general commentary on the status of "The Personal Shipping System", a free Web service offered by Pitney Bowes. Appellants respectfully submit that Karpinski does not provide an enabling teaching necessary for a primary reference for a rejection under 35 U.S.C. § 103(a).

As understood by Appellants, WebMethods is a collection of articles related to WIDL (Web Interface Definition Language).

Appellants respectfully disagree with the Examiner's assertion that Karpinski and WebMethods provide a proper basis for rejecting the pending claims. Specifically, Appellants submit that nothing has been found in Karpinski or WebMethods, taken alone or in combination, that would teach or suggest, the features of Claims 1 and 15. Indeed, page 29 of the WebMethods document discloses logical operations over the returned data. For example, a timeout or "server busy" message might require a retry. Appellants submit that a retry feature, as described in the WebMethods, does not disclose or suggest limiting the generation of tracking objects for a particular carrier so as to be generated no more frequently than a predetermined number of tracking objects per predetermined time interval, as recited in Claim 15. Therefore, Appellants submit that Claim 15 is allowable.

Independent Claim 1 is a corresponding apparatus claim and is similar in scope.
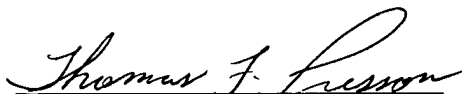
Accordingly, Appellants submit that independent Claims 1 and 15 are allowable.

The other claims in this application are each dependent from one or another independent claims discussed above and are therefore believed patentable for the same reasons.

IX.   CONCLUSION:

For the reasons advanced above, the Appellants respectfully submit that Claims 1, 2, 3, 6, 7, 8, 13, 15-17, 19-22 and 24-26 are patentable. Therefore, reversal of the rejection by the Examiner is respectfully solicited.

Respectfully submitted,

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A METHOD AND SYSTEM FOR MULTI-CARRIER PACKAGE TRACKING

APPENDIX A TO APPELLANTS' APPEAL BRIEF
Copy of Claims 1, 2, 3, 6, 7, 8, 13, 15-17, 19-22 and 24-26

1.   A tracking system in which a package is to be sent from a user to a recipient by requesting shipping through Internet resources associated with carriers capable of delivering the package to the recipient, in which the user determines the carrier to be used for shipping a package to a particular recipient, comprising:

means for generating a tracking number, the tracking number being associated with a package to be sent from the user to the recipient by a selected carrier;

means for generating a tracking request, the tracking request containing the tracking number associated with the package, as well as information of the particular carrier which is to deliver the package to the recipients;

a storage location adapted to store the tracking requests;

a tracking coordinator adapted to receive said tracking request and adapted to generate tracking objects and adapted to send said tracking objects to a tracking website of the selected carrier;

means for receiving results from the tracking website of the selected carrier;

means for updating the shipping server data storage with the results from the carrier website; and

wherein the tracking coordinator limits the generation of tracking objects for a particular carrier so as to be generated no more frequently than a predetermined number of tracking objects per predetermined time interval.

2.   A tracking system for a shipping system as defined in claim 1, further comprising a tracking result queue for receiving the results from selected carrier websites and for outputting these results for delivery to   a shipping system server data storage device.

3.   A tracking system for a shipping system as defined in claim 2, wherein the shipping system server has an instant tracking component for allowing a user to generate a tracking request for a package, wherein the tracking coordinator has means for generating a tracking object for the user tracking request that is prioritized with respect to other tracking objects generated for the same carrier as that associated with the user's package.

6.   A tracking system for a shipping system as defined in claim 3, wherein the tracking coordinator has means for generating tracking objects to a carrier tracking website using multiple Internet Protocol addresses.

7.   A tracking system for a shipping system as defined in claim 3, wherein the shipping system server includes a scheduler for automatically retrieving information required to generate a tracking request from the data storage device, wherein the scheduler times said retrieval of information to occur at a predetermined time.

8.   A tracking system for a shipping system as defined in claim 1, wherein the shipping system server has an instant tracking component for allowing a user to generate a tracking request for a package, wherein the tracking coordinator has means for generating a tracking object for the user tracking request that is prioritized with respect to other tracking objects generated for the same carrier as that associated with the user's package.

13.   A tracking system as defined in claim 1, further comprising an E-mail services component for generating an E-mail message to a party specified by the user when the tracking information indicates that the package has been delivered to the recipient.

15.   A tracking method for a shipping system in which a package is to be sent from a user to a recipient by requesting said shipping through Internet resources associated with carriers capable of delivering the package to the recipient, in which the user of the shipping system determines the carrier to be used for shipping a package to a recipient, and in which the shipping system has a shipping system server with a data storage device for storing package tracking data, comprising the steps of:

(a)   generating a tracking number associated with a package to be sent from the user to the recipient by a selected carrier;

(b)   generating a tracking request containing the tracking number associated with the package, as well as information of the particular carrier which is to deliver the package to the recipients;

(c)   storing the tracking requests;

(d)   generating tracking objects and sending said tracking objects to the tracking website of the selected carrier;

(e)   receiving results from the tracking website of the selected carrier;

(h)   updating the shipping server data storage with the results from the carrier website; and

(i)   limiting the generation of tracking objects for a particular carrier so that tracking objects are generated no more frequently than a predetermined number per predetermined time interval.

16.   A tracking method as defined in claim 15, further comprising the step of receiving the results from all of the carrier websites and for outputting these results for delivery to the shipping system server data storage device.

17.   A tracking method as defined in claim 16, further comprising the steps of allowing a user to generate an instant tracking request for a package, and for generating a tracking object for the user tracking request that is prioritized with respect to other tracking objects generated for the same carrier as that associated with the user's package.

19.   A tracking method as defined in claim 17, further comprising the step of limiting the generation of tracking objects so that the total number generated for a particular carrier over a predetermined time interval does not exceed a predetermined number, regarding the pacing of the generation of said tracking objects.

20.   A tracking method as defined in claim 17, further comprising the step of generating tracking objects to a carrier tracking website using multiple Internet Protocol addresses.

21. A tracking method as defined in claim 17, further comprising the step of automatically scheduling retrieving information required to generate a tracking request from the data storage device at a predetermined time.

22. A tracking method as defined in claim 15, wherein the shipping system server has an instant tracking component for allowing a user to generate a tracking request for a package, wherein the tracking coordinator has means for generating a tracking object for the user tracking request that is prioritized with respect to other tracking objects generated for the same carrier as that associated with the user's package.

24. A tracking method as defined in claim 15, further comprising the step of limiting the generation of tracking objects so that the total number generated for a particular carrier over a predetermined time interval does not exceed a predetermined number.

25. A tracking method as defined in claim 22, further comprising the step of generating tracking objects to a carrier tracking website using multiple Internet Protocol addresses.

26. A tracking method as defined in claim 15, further comprising the step of automatically scheduling retrieving information required to generate a tracking request from the data storage device at a predetermined time.